

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LORENZO NICHOLS,)	
Plaintiff,)	
)	C.A. No. 19-164 Erie
)	
v.)	
)	District Judge Susan Paradise Baxter
JERI SMOCK, et al.,)	Magistrate Judge Richard A. Lanzillo
Defendants.)	

MEMORANDUM ORDER

Plaintiff Lorenzo Nichols, an inmate incarcerated at the State Correctional Institution at Albion, Pennsylvania (“SCI-Albion”), initiated this *pro se* civil rights action on June 10, 2019, against SCI-Albion’s Correctional Health Care Administrator Jeri Smock (“Smock”) and two medical providers, PA Stroup and Dr. Letizio. The case was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. This matter was subsequently reassigned to the undersigned, as presiding judge, on October 18, 2019, with Judge Lanzillo remaining as the referred Magistrate Judge for all pretrial proceedings.

On January 8, 2020, Defendant Smock filed a motion to dismiss for failure to state a claim [ECF No. 44], to which Plaintiff filed an opposition brief [ECF No. 47]. On August 5, 2020, Judge Lanzillo issued a Magistrate Judge’s Report and Recommendation (“R&R”) recommending that Defendant Smock’s motion to dismiss be granted. [ECF No. 54]. Plaintiff has since filed timely objections to the R&R [ECF No. 55], which merely incorporate by reference the same arguments raised in his brief in opposition to Defendant’s motion to dismiss.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 31st day of August, 2020;

IT IS HEREBY ORDERED that Defendant Smock's motion to dismiss [ECF No. 44] is GRANTED, Plaintiff's claims against said Defendant are DISMISSED, and the Clerk is directed to terminate Defendant Smock from this case. The report and recommendation of Magistrate Judge Lanzillo, issued August 5, 2020 [ECF No. 44], is adopted as the opinion of the court.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge